

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

TEMPORARY PERMIT 20571

Application 30027 of Delta Wetlands

3697 Mt. Diablo Blvd, Suite 120, Lafayette, CA 94549

filed on October 30, 1991, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Holland Cut

Old River thence

San Joaquin River

2. Location of point of diversion:

40-acre subdivision  
of public land survey  
or projection thereof

Section

Town-  
ship

Range

Base  
and  
Meridian

BY CALIFORNIA COORDINATE SYSTEM, ZONE 3  
NORTH 545, 950 FEET AND EAST 1,689,000 FEET

NE $\frac{1}{4}$  OF NW $\frac{1}{4}$

30

2N

4E

MD

County of Contra Costa

3. Purpose of use:

4. Place of use:

Section

Town-  
ship

Range

Base  
and  
Meridian

Acre

WATER QUALITY EVALUATION (STUDY)

HOLLAND TRACT DEMONSTRATION  
POND WITHIN:

NE $\frac{1}{4}$  OF SE $\frac{1}{4}$  AND  
SE $\frac{1}{4}$  OF SE $\frac{1}{4}$

24

2N

3E

MD

SW $\frac{1}{4}$

19

2N

4E

MD

NW $\frac{1}{4}$  OF NW $\frac{1}{4}$  AND  
NE $\frac{1}{4}$  OF NW $\frac{1}{4}$

30

2N

4E

MD

TOTAL

50

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water diverted and used shall be limited to the quantity which can be beneficially used and shall not exceed 900 acre-feet to be diverted from the date of issuance of this temporary permit to May 2, 1992. (0000005)

The maximum rate of diversion to offstream storage shall not exceed 60 cubic feet per second. (000005J)

6. The water diverted under this temporary permit shall be used to evaluate the effects on the water quality of the Sacramento-San Joaquin Delta of discharging water that has been stored on delta islands. No water shall be diverted under this temporary permit until a study protocol has been approved by the Chief of the Division of Water Rights. A report of evaluation along with potential impacts on water quality shall be prepared and submitted to the State Water Resources Control Board and interested parties for review. (0390999)

7. Issuance of this temporary permit shall not be construed as indicating State Water Resources Control Board approval of water right permits requested under other pending applications. (0510999)

8. No water shall be diverted under this temporary permit if water is being released from storage from the State Water Project or the Central Valley Project to comply with State Water Resources Control Board Decision 1485 standards and conditions. The permittee shall contact the United States Bureau of Reclamation to determine the existence of water available for diversion. (0510999)

9. No water shall be diverted under this temporary permit until the permittee has installed fish screens on the intake structure(s) that are satisfactory to the California Department of Fish and Game and written approval by the Department has been submitted to the Chief of the Division of Water Rights. (0510999)

10. No water shall be diverted under this permit when the Delta cross channel gates near Walnut Grove are open. (0510999)

11. For the protection of Delta Smelt, no water shall be diverted under this permit between February 1 and May 2, 1992 without approval of the California Department of Fish and Game and the U.S. Fish and Wildlife Service. (0510999)

12. No diversion is authorized by this temporary permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

a. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Control Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.

b. Supplemental Project water is defined as that water imported to the basin by the projects plus water released from Project storage which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The State Water Resources Control Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators. (0000091)

13. This temporary permit is issued and the Permittee takes it subject to the California Water Code, Division 2, Chapter 6.5, Section 1425 et seq. Any temporary permit issued under this chapter shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the State Water Resources Control Board. (0510800)

14. The State Water Resources Control Board may supervise diversion and use of water under this temporary permit for the protection of legal users of water and instream beneficial uses and for compliance with permit conditions. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this temporary permit. (0160600)  
(0510600)

15. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this temporary permit, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this temporary permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. (0000012)

16. Permittee shall report to the State Water Resources Control Board by May 31, 1992 the maximum rate that water was diverted to offstream storage and the total quantity of water diverted to storage under this temporary permit. (0060300)

17. The State Water Resources Control Board shall, within 30 days, review and validate this temporary permit, including the findings upon which it was issued, and should the Board fail or refuse to validate this temporary permit, it shall be revoked as of the date of said Board meeting and shall be of no further force and effect. (0530300)

18. This temporary permit is revoked on May 3, 1992 without further action by the State Water Resources Control Board. (0510700)

Based on the record in this matter, I find:

- A. That the applicant herein is an applicant for a water right entitlement under the provisions of Chapter 6.5 commencing with Section 1425, Part 2, Division 2, of the Water Code.
- B. That the applicant has an urgent but temporary need to divert and use water under a temporary permit.
- C. That the proposed diversion and use are in the public interest without known injury to any lawful users of water, and without unreasonable effect upon fish, wildlife, and other instream beneficial uses.

- D. That the project will not cause a significant effect on the environment and a Notice of Exemption has been prepared in accordance with Title 14, California Administrative Code, Section 15306 (Class 6 categorical exemption).

Accordingly, issuance of the within temporary permit is hereby authorized.

Dated: *14 November 91*

*Wall Pettit*

In accordance with the foregoing, this temporary permit is hereby issued.

*Edward R. Christen*

Chief, Division of Water Rights

*11/15/91*

Date

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights